

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

KINNEY L. BAILEY, §
VS. § CIVIL ACTION NO. 2:17cv692
JAILER WHITTING §

ORDER OF DISMISSAL

Plaintiff Kinney Bailey, an inmate formerly confined at the Hutchins State Jail, is proceeding *pro se* in the above styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On July 8, 2019, Judge Payne issued a Report, (Dkt. #7), recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for Plaintiff's failure to comply with an order of the court and his failure to prosecute his own case. A copy of this Report was sent to Plaintiff at his address; return receipt requested. The docket demonstrates that Plaintiff received a copy of this Report on July 26, 2019, (Dkt. #8). However, to date, no objections have been filed.

Because no objections to Judge Payne's Report have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the court has determined that the Report of the Magistrate Judge is correct. *See*

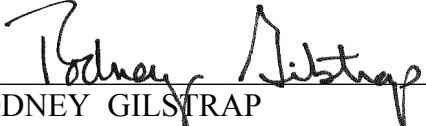
United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report and Recommendation of the United States Magistrate Judge, (Dkt. #7), is **ADOPTED** as the opinion of the court. Further, it is

ORDERED that Plaintiff's civil rights lawsuit is **DISMISSED**, without prejudice, for Plaintiff's failure to comply with an order of the court. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 19th day of August, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE